

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYDALL THERMAL/ACOUSTICAL, INC., et al.,

Plaintiffs,

-vs-

Case No. 07-12473
Hon: AVERN COHN

FEDERAL MOGUL CORPORATION, et al.,

Defendants.

/

ORDER REGARDING MARKMAN PROCEEDING

This is a patent case. The patents-in-suit are U.S. Patent No. 6,096,622 and U.S. Patent No. US RE 39,260E. Efforts at resolving the case short of trial have not been successful. Accordingly, the case is going forward. The first step is a Markman hearing. Plaintiffs have designated Claim 45 of US RE 39,260E as the paradigm claim. Accordingly, proceedings as to other claims are STAYED until further order of the Court.

As to Claim 45:

1. Defendants shall identify its ambiguous words/phrases within fifteen (15) days.
2. Plaintiffs shall offer its interpretation of the identified words/phrases within thirty (30) days thereafter.
3. Defendants shall respond to plaintiffs' interpretation within thirty (30) days thereafter.

4. A Markman hearing shall be held on **Thursday, April 10, 2008, at 2:00 p.m.**
5. In the interim, the parties shall schedule with the Court's Case Manager a tutorial.
6. If either party relies on prosecution history, the parties shall jointly file with the Court a tabbed and indexed 3-ring binder containing the prosecution history. The parties shall cite to this copy of the prosecution history in their briefs.
7. The parties shall lodge with the Court a copy of Claim 45 in the form of Exhibit A (attached) with the disputed claim's words/phrases highlighted.
8. Each of the disputed claim's words/phrases shall be separately numbered and shall be discussed in the order they are numbered.
9. The discussion of each disputed claim's words/phrases shall conclude with the precise text of the recommended construction.
10. Attached as Exhibit B is the Outline of a Markman Proceeding which the Court traditionally distributes to the parties in a patent case as a guide. The parties' attention is called particularly to Paragraph H and the claim chart attached as Exhibit C.

SO ORDERED.

Dated: December 3, 2007

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 3, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160